

1 SENATE BILL 487

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008**

3 INTRODUCED BY

4 David Ulibarri

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10 AN ACT

11 RELATING TO THE ENVIRONMENT; IMPOSING THE ABANDONED URANIUM
12 MINE RECLAMATION FEE; PROVIDING A PROGRAM TO SURVEY AND RECLAIM
13 ABANDONED URANIUM MINES; MAKING AN APPROPRIATION.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 Section 1. [NEW MATERIAL] ABANDONED URANIUM MINE
17 RECLAMATION FUND--RECLAMATION OF ABANDONED MINES.--

18 A. The "abandoned uranium mine reclamation fund" is
19 created in the state treasury. The fund shall consist of
20 distributions of the abandoned uranium mine reclamation fee and
21 any transfers, appropriations, gifts, grants, donations and
22 bequests made to the fund. Income from the fund shall be
23 credited to the fund, and money in the fund shall not revert or
24 be transferred to any other fund at the end of a fiscal year.
25 Money in the fund is appropriated to the mining and minerals

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1 division of the energy, minerals and natural resources
2 department for the purposes of carrying out the provisions of
3 Subsection B of this section. Expenditures from the fund shall
4 be made on warrant of the secretary of finance and
5 administration pursuant to vouchers signed by the secretary of
6 energy, minerals and natural resources.

7 B. Pursuant to rules adopted by the energy,
8 minerals and natural resources department and subject to the
9 availability of money in the abandoned uranium mine reclamation
10 fund, the director of the mining and minerals division of the
11 department shall implement a program to survey abandoned
12 uranium mines located on state and federal lands, to plan for
13 the reclamation of abandoned uranium mines that have not been
14 reclaimed or that have been improperly reclaimed and to reclaim
15 the abandoned mines.

16 C. No later than December 15 of each year, the
17 director of the mining and minerals division of the energy,
18 minerals and natural resources department shall prepare a
19 report detailing activities conducted during the previous
20 fiscal year pursuant to Subsection B of this section. The
21 report shall be submitted to the secretary of energy, minerals
22 and natural resources, the governor and the legislature.

23 Section 2. Section 7-1-6.20 NMSA 1978 (being Laws 1985,
24 Chapter 65, Section 6, as amended) is amended to read:

25 "7-1-6.20. IDENTIFICATION OF MONEY IN EXTRACTION TAXES

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1 SUSPENSE FUND--DISTRIBUTION.--

2 A. Except as provided in Subsection B of this
3 section, after the necessary disbursements have been made from
4 the extraction taxes suspense fund, the money remaining in the
5 suspense fund as of the last day of the month shall be
6 identified by tax source and distributed or transferred in
7 accordance with the provisions of Sections 7-1-6.21 through
8 7-1-6.23 and 7-1-6.59 NMSA 1978. After the necessary
9 distributions and transfers, any balance, except for
10 remittances unidentified as to source or disposition, shall be
11 transferred to the general fund.

12 B. Payments on assessments issued by the department
13 pursuant to the Oil and Gas Conservation Tax Act, the Oil and
14 Gas Emergency School Tax Act, the Oil and Gas Ad Valorem
15 Production Tax Act and the Oil and Gas Severance Tax Act shall
16 be held in the extraction taxes suspense fund until the
17 secretary determines that there is no substantial risk of
18 protest or other litigation, whereupon after the necessary
19 disbursements have been made from the extraction taxes suspense
20 fund, the money remaining in the suspense fund as of the last
21 day of the month attributed to these payments shall be
22 identified by tax source and distributed or transferred in
23 accordance with the provisions of Sections 7-1-6.21 through
24 7-1-6.23 NMSA 1978. After the necessary distributions and
25 transfers, any balance, except for remittance unidentified as

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1 to source or disposition, shall be transferred to the general
2 fund."

3 Section 3. A new section of the Tax Administration Act,
4 Section 7-1-6.59 NMSA 1978, is enacted to read:

5 "7-1-6.59. [NEW MATERIAL] DISTRIBUTION--ABANDONED URANIUM
6 MINE RECLAMATION FUND.--A distribution pursuant to Section
7 7-1-6.20 NMSA 1978 of the net receipts attributable to the
8 abandoned uranium mine reclamation fee shall be made to the
9 abandoned uranium mine reclamation fund."

10 Section 4. A new section of the Resources Excise Tax Act,
11 Section 7-25-6.1 NMSA 1978, is enacted to read:

12 "7-25-6.1. [NEW MATERIAL] IMPOSITION OF ABANDONED URANIUM
13 MINE RECLAMATION FEE.--

14 A. For the privilege of severing uranium, the
15 "abandoned uranium mine reclamation fee" is imposed on:

- 16 (1) any severer of uranium in New Mexico; and
17 (2) any person in New Mexico engaged in
18 severing uranium that is owned by another person and for which
19 the abandoned uranium mine reclamation fee is not paid pursuant
20 to Paragraph (1) of this subsection.

21 B. The abandoned uranium mine reclamation fee is
22 measured by the quantity of U308 contained in and recoverable
23 from severed and saved uranium-bearing ore, measured in a
24 standard manner established by rule of the department. The fee
25 is twenty-five cents (\$.25) per pound of severed and saved U308

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1 contained in severed uranium-bearing ore."

2 Section 5. DELAYED REPEAL.--Section 7-25-6.1 NMSA 1978,
3 as enacted by Section 4 of this 2008 act, is repealed effective
4 July 1, 2014.

5 Section 6. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2008.